

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
Chatani, Massayuki ) Atty. Docket No: SONYP009  
Application No: 09/846,115 ) Examiner: Bharat Barot  
Filed: April 30, 2001 ) Group Art Unit: 2155  
For: ALTERING NETWORK TRANSMITTED ) Confirmation No: 5023  
CONTENT DATA BASED UPON USER ) Date: May 6, 2009  
SPECIFIED CHARACTERISTICS )  
\_\_\_\_\_ )

CERTIFICATE OF EFILEING

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via electronic filing with EFS-Web on May 6, 2009.

Signed: \_\_\_\_\_/Jose M. Nunez/  
Jose M. Nunez

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
Alexandria VA 22313-1450

Dear Sir:

This paper is filed on May 6, 2009 in response to the Notification of Non-Compliant Appeal Brief mailed on April 8, 2009. This paper is filed within one month of the mailing date of the Notification.

The Examiner has asserted the following:

'The brief fails to provide proper summary of a claimed subject matter, the summary referring in the specification page 11 lines 5-7 for a claimed subject matter that the applied expression does not performing language translation, but the specification page 11 lines 5-7 clearly state that "the conversion process 204 may include a translator that translates speech in one language to another language" which is not a claimed subject matter and also contradicted with a claimed subject matter.'

Appellant respectfully disagrees. This issue has already been addressed in the Appeal Brief in section VII.B.1, which describes how the claimed subject matter satisfies the written description requirement. The issue has been raised for the Board of Appeals to decide, and the decision by the Examiner to produce a Notification of Non-Complaint for the

“SUMMARY OF CLAIMED SUBJECT MATTER” section merely re-raises an issue that has already been addressed in the Appeal Brief and needs to be decided by the Board.

Further, Appellant asserts that “the conversion process 204 may include a translator” (page 11, lines 5-6, emphasis added) clearly indicates the **optional** inclusion of the translator. Because it is optional, a translator may also not be included. Therefore, the brief does contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

/Jose M. Nunez/

Jose M. Nunez  
Reg. No. 59,979

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone: (408) 774-6920  
Facsimile: (408) 749-6901  
email: jose@mpiplaw.com  
Customer No. 25920